

Gender Bias Against Men In India: The Uneven Battle, Causes & Effects

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Abstract

Since Independence, India has implemented several constitutional, legislative, and regulatory initiatives to enhance the social, economic, and political standing of women and to rectify past discrimination stemming from patriarchal societal systems. Constitutional provisions, notably Articles 14, 15, and 15(3), in conjunction with gender-specific legislation such as the Dowry Prohibition Act of 1961, the Protection of Women from Domestic Violence Act of 2005, and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013, have considerably enhanced the legal safeguards afforded to women. Although these policies have been crucial in advancing gender justice, questions have emerged over their execution, their abuse in certain instances, and their effects on the idea of legal equality. This study analyses the developing discourse on gender prejudice against males in India via a critical examination of the constitutional framework, legislative legislation, judicial interpretations, and existing empirical data. This examines whether certain gender-based legal safeguards, when applied, may result in males experiencing legal disadvantages or procedural imbalances, especially in marriage and family conflicts. The research also assesses the conflict between protected discrimination as stipulated in Article 15(3) and the fundamental assurance of equality as outlined in Articles 14 and 15(1). This article evaluates whether the current legal system effectively combines the protection of vulnerable women with the principles of justice and due process for all persons by analysing court judgements, legislative provisions, policy changes, and academic literature. The research contends that the quest for substantial gender justice must be paired with procedural equity, evidence-driven policymaking, and gender-sensitive changes that protect the rights and dignity of both women and men, while upholding the constitutional promise to equality.

Keywords: Discrimination, Equality, Gender-Sensitive, Judicial Interpretations, Constitutional framework, fundamental rights.

Introduction:

Since times immemorial, India has been a country with typically and strict Patriarchal society, traditions and mindsets, where education among women was a taboo and their duties were confined solely to bearing children, looking after them, doing household chores and looking after family and relatives. Their rights over available economic resource were little and always being under the shadow of men, their contribution to the socio-cultural and economic structure of the country as a whole was negligible. This position, though empathetic, continued well after the country gained independence from the colonial rule.

Various factors, diverse but well aimed, mainly the fundamental rights provided under the constitution of India, right to vote granted for the first time to women in 1952 ensuring their participation in the political

build up of the nation, legal and judicial reforms, various initiatives taken for the education, employments and economic strengthening of females as well as their own awakening, driver and movements together worked towards the up liftment, strengthening and elevation of position of women in the Indian society and to a certain extent diminishing the patriarchal traditions, social mindsets and the social stigma in favour of males and their domination.

Past independence, a spate of laws were framed and enforced which aimed at providing secure environment, security in public places, equality in society, work place and other spheres, and providing ample protection against violence, ill-treatment and their physical and economical exploitation. This trend continues till date by way of Hindu Marriage Act, The Succession Act, Dowry Prohibition Act, Sexual Harassment of Women at Workplace Act, Protection of Women from Domestic Violence Act, The Immoral Traffic Act and many other Acts besides several provisions under the BNS, BNSS as also formation of National communication for women, call centres, helplines etc. Considering women independence, development and contribution towards the development of a country as an essential ingredient, the Government even gave women reservation in the Lok Sabha, State Assemblies, Gram Panchayats, Employments in various sectors and even urged the private sectors to provide employment and fixed quotas to women in their organizations/industries.

No doubt, Article 15(3) of the constitution provides that State are entitled to make special provisions for women and the framers of Indian Constitution intended that this was necessary for the present situation then which demanded the social, cultural, economic and political up liftment of women. Again, there is no doubt that women, being vulnerable need protection against violence and crimes perpetuated against them. Further the long continuing patriarchal customs, practices and perspectives of the males and society at large needs to be eroded and minimized to give women their due place, protection and stature. Thus, not only the law makers but the Indian judiciary too gave its full concentration, regard and attention to this aspect, and duly armed by Article 15 (3) of the constitution, they enacted more and more laws in favour of and exclusively for and applicable to women only and while adjudicating in courts gave more and more decisions benefitting and favouring women of the country. However, as it not only seems but has become evident over the years, especially in the last two decades, that in this pursuit, the legislature as well as the judiciary has turned a blind eye and blatantly disregarded Article 14 which provides equality in the eyes of law and Article 15 (1) of the constitution. As a result, while the pillars of the democracy may have provided sufficient laws, steps and protection for women, but they have created a reverse bias, inequality before the law and avenues for exploitation of men in our society, largely dented the institution of marriage in India and instead, indirectly going against their very aim, more firmly established a patriarchal social structure in the country.

In this research paper we analyse how the very aim of the government stakeholder and agencies to protect and strengthen women have misfired and is also damaging the mindset and social order within the country besides creating an unsafe environment for men and giving ample lee way for their exploitation.

INTENTION OF CONSTITUTION FRAMERS: MISREAD & MISAPPLIED?

It is interesting to note that while on one hand Article 14 of the Constitution of India stipulates that "the State shall not deny and person equality before the law or equal protection of laws.....", Article 15(1) also prohibits discrimination against any citizen on grounds of inter alia "sex" and on the other hand Article 15(3) states that State shall not be prevented from making special provision for women and children. Looking at it from one angle, Article 15(1) supports and asserts Article 14 and sets down postulate for

gender neutral framing of laws, schemes and provisions. The intention of or need of Article 15 (3) was mainly because at that time of framing of constitution, women were in a pitiable condition in the society, needing economic support, schemes for their upliftment, representation in political circles and liberty from patriarchal mindset and perspective, as well as vulnerability.

There is, though no doubt that this constitutional provision worked and many beneficial legislations which were women specific were enacted, women got political representation with reservation in Lok Sabha as well as Panchayat level along with skill training, education programmes, maternity benefits, equal wages etc. This over-enthusiasm of the law makers and the policy makers was equally shared and supported by the judiciary, which, though was good for women at large, but was unfortunately contrary to the societal interests and unevenly biased, as became evident later. This was, because the judiciary, also showing the same short-sightedness of the law & policy makers, displaying over-activism in complete disregard to the soul & spirit or essence of Articles 14 & 15(1) of the constitution, went on to support & follow only Article 15(3) of the same. For example, in *Yusuf Abdul Aziz v The State of Bombay & others*¹, the Supreme Court failed to declare Section 497 of IPC 1860 punishing men only for adultery as discriminatory though it was vehemently argued that in essence the Section 497 was against the spirit of Article 15(1) & 14 of the Constitution. Also, the Punjab & Haryana High Court in *Paramjit Singh v State of Punjab*² made the shocking observation that Article 15(3) relieves the State from bondage of Article 15(1) and under it State can make rules on laws that may discriminate in favour of women against men. Thus the balance to be maintained between the genders as was perhaps desired by the Constitution framers, was totally disregarded. The Madhya Pradesh High Court in *Girdhar Gopal v State*³ declared that Section 354 punishing outraging of modesty of women by men but not vice versa was not discriminatory of Article 15(1) of the Constitution. In other words, modesty of a man cannot be outraged or perhaps men do not have any modesty at all.

Even if it may be contended that when the Constitution was framed, the position of women as against men was much below the general definition of equality and therefore the insertion of Article 15(3) despite provisions of equality under Article 15(1) & 14 and despite humanitarian demand of gender neutral outlook and laws/policies, was justified, but after independence it cannot be disregarded that position of women as regards employment, education, representation in structures, be it political, cultural or economical, improved considerably. So the outlook of the parliament as well as judiciary should have changed and the plight of men or that inadvertently balance was tilting against men, should have been visible or at least anticipated.

Yet, years later, when the Supreme Court got an opportunity to re-examine the tilt of balance against men, in *Government of Andhra Pradesh v P.S. Vijay kumar & Another*⁴, it failed to do so and declared that though Article 15(1) prevents a State from making laws discriminatory on basis of sex,⁵ it was permitted to do so by virtue of Article 15 (3) of the Constitution, Also while in *Anuj Garg & others v Hotel Association of India & others*⁶, the Supreme Court of India, remarked that -"When the original Act was enacted, the concept of equality between two sexes was unknown. The makers of Constitution intended to

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apply equality amongst men & women in all spheres of life. In framing Article 14 and 15 of the Constitution, the constitutional goal in that behalf was sought to be achieved. Although the same would not mean that under no circumstances classification inter alia on ground of sex would be wholly impermissible but it is trite that when the validity of a legislation is tested on the anvil of equality clauses contained in Articles 14 and 15, the burden would be on the State⁷. Thus as late as in 2008 in above case, the Apex Court failed to direct State legislature to enact such laws or rules which do not unnecessarily directly oppress or leave room for being misused to harass or intimidate men.

"Power corrupts & absolute power corrupts absolutely". This is an old saying but true to the core. What was needed, if we would have followed the true spirit of Articles 15 (1), 14 and 15 (3) was that after the constitution came into force in 1950, the parliament as well as the Executives & Judiciary should have kept pace with the changing social environment, its culture, outlook and the position of women and as the position of women in the society started improving in the Indian context, we should have tended towards gender neutral laws, made more gender neutral policies and wherever the judiciary saw the misuse of women oriented special provisions and laws, it should have anticipated the balance & equality going against men and put a stop to it through its passive decisions. Today also, as will be discussed below, while the courts as well as Parliament are taking positive and yielding actions in areas and domains where women are not getting equal right as men, but nothing active is being done in vice versa and inverse situations.

CASES IN POINT: SOME ILLUSTRATED FACTS:

There are several facts which aptly illustrate that women have been given superfluous and undesired benefits in every field by every pillar of democracy and unless these facts are acknowledged and accepted, we cannot proceed towards rectification and corrections of the same to display an even playing field. Some facts which need to be considered, even though they are bitter, are as follows:

1. The only reason that women in India need special laws, facilities and policies is their susceptibility and vulnerability in some specific issues based on their physical differences and attributes and only to that extent. Thus giving them facilities, policies, laws or programmes based on their need for separate toilets, medical facilities, maternity benefits because they bear child, facilities for sanitary pads availability or overall menstrual care, maternity leaves, separate call centres and a few other similar fields is definitely needed. However, as far as other fields are concerned, specially the legal field & special laws, well, we are living in 21st century where women are equally educated, employed and independent and there is no need of them Today men are facing cruelty, molestation, domestic violence and even harassment at workplaces and are prone to same at the hands of women so all these laws and policies have becomes outdated in today scenario if made applicable only to and for women.
2. Historical facts reveal that from the earlier times the constitution of India Bill 1895, Common Wealth of India Bill 1925, The Government of India Act 1935 etc. as well as the views and perspective of even the women organization of earlier times like the Women's Indian Organization formed as early as in 1917⁸. The National Council of women in India 1925, The all India Women's Conference in 1927 etc., all of the above, propose and supported the principle that there must be equality among women and men in every field and in every right. It is pertinent to note that even in those periods of colonial

era when the position of women was extremely pathetic in the society, these all women organizations not only urged and proposed for no special favours or concessions just on the basis of being a women, but even pressed for no exclusive reservations for women in the political and electoral fields.⁹ What the above facts distinctly reveal is that even the women of India during the colonial and past independence period were more farsighted and prudent than the whole bunch of law and policy makers or even the judiciaries of today, because they had premonition and intuition that giving women extra advantages would later on tilt the scales unduly against men and would be dangerous for the society, as we see the situation today.

3. There many sections/provisions under the Indian law which tend to unnecessarily and without any genuine and valid reason/grounds tend to discriminate against men and favour women. Some of them are as follows:
 - Section 56 of the code of Civil Procedure 1908 provides that the Court shall not order the arrest or detention in the civil prison, of a women in execution of a decree for the payment of money. This is purely biased and discriminatory. It is also important to note that even when this distinction was brought to the notice of the judiciary in *Cyril Britto v Union of India* as well as in *Shrikrishna Eknath Godbole v Union of India* , that this CPC provision was ultravires the constitution, the Kerala High Court and the Bombay High Courts respectively upheld the provision ruling that it was in line with Article 15 (3) of the Constitution mandate.
 - Section 480 of the BNSS (earlier section 437 of the CrPC 1973) which deals with grant of bail in cases of non-bailable offences, in its first proviso to Section 480 (1)(ii) provides that Court may direct a person to be released on bail in non-bailable offences if such person is a child, is a woman or is sick or infirm. It is absurd and ridiculous that this proviso was retained in BNSS 2023 lately, because child or sick and infirm is understandable, but including women in this means we are keeping a child, sick, infirm person etc. in the same pedestal as a woman.
 - Section 63 of BNS defining rape and conditions in which a woman would be considered to have been raped and other ingredients of rape, do not take into consideration similar act perpetuated by woman against men making this provision biased in favour of women. Moreover this section also ignores such act committed against queer, intersexuals, gays etc. Eminently, though no NCRB data is available on sexual assault on men by women or any official statistics is also not available, but a survey by Centre for Civil Society. Delhi found that 18% of adult men in India have experienced forced sex/sexual assault, out of which 16% were committed by women¹⁰. Men probably in India do not report such acts out of shame, manliness issues, guilt etc. but if rape laws are made gender-neutral in the country, more men would come forward to report the Crime. It is also pertinent to note that crime of rape is gender neutral and does not distinguish between women or man as victim, in many countries like Canada, USA, Northern Ireland, Scotland and England, to name a few¹¹. This becomes all the more important after deletion of Section 377 and declaring it decriminalized in 2018, which provided for punishment for unnatural offences.
 - Section 69 of the BNS which provides punishment for sexual intercourse by employing deceitful means or by making promise of marriage was introduced for the first time in criminal law in 2023 but

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in spite of this it has the spirit and language of colonial era laws. This section provides punishment only to men and is gender biased. It leaves not only ample of room for misuse in today's India where even teenagers are freely accepting pre-marital sex as a way of life and a routine, but also fails to punish a female for committing the same act. Besides this it establishes or tends to establish a firm base of patriarchal mindset that only a man can promise and propose marriage and then have or initiate sexual intercourse with woman and not vice versa. A plain reading of such law makes us wonder whether it is the 21st century we are living in or are woman still a meek servant of man. Also this section clearly violates Article 14 of the Indian Constitution and yet the judiciary has not taken suo motu cognizance of the same.

- The list is endless. And shockingly we are not talking about the IPC or CrPC created in the colonial era but of the BNS which was enacted and enforced lately in July 2024. Nearly every provision of offences against women and child under Chapter V of BNS 2023 is biased in favour of women, be it stalking, outraging modesty, cruelty, cruelty by the relatives of couple, voyeurism, kidnapping with the intent of intercourse or marriage, disrobing, cohabitation by deceitful means inducing belief of lawful marriage etc. One is often left wondering what would a man do or in what way will he get justice in our country if he is disrobed, stalked, has consensual sexual intercourse when promised marriage by a woman, voyeurism is committed against him, he is subjected to cruelty & threatened by his wife and her relatives and in every other criminal act against him where the perpetrator is a female unknown, known or even wife. Also it is appalling and shocking that what the law makers term as crimes made gender neutral under the BNS are those of voyeurism and disrobing but even in these the perpetrator has been made gender neutral, that is, the offender has been made gender neutral but the victim in each and every case shall be only and only a woman.

It has been clearly established that the law and societal outlook, inspite of today's modern period & progress, seem to make a man look like a criminal and the only one responsible for every crime, evil, atrocity, immoral deeds and overall wicked and at fault. Moreover, he has no defence or shield or remedy or even legal recourse in case of any crime perpetuated against him by a woman. Surprisingly, a man can not be a victim of domestic violence in India because the Domestic violence Act 2005 has been only made for women.

If we take the above issue of gender bias against man lightly or consider it as a trivial matter, even now, it would be a big blunder. This is because the matter not only has adverse effects and is detrimental for men, but it has other linked undesirable consequences which are dangerous for the society and environment of the whole country and would decay the social organization and social fabric of the whole nation. Its ill effects have started becoming visible in our society even now and need to be recognized and tackled at the earliest.

THE ADVERSE EFFECTS OF GENDER BIAS AGAINST MEN: NEED FOR PERCEPTION

Out of several negative effects of the gender prejudice in favour of women, following are the most vital and commonly visible of them:

- i. Misuse of laws enacted for protection of women from crimes: - Now, from the last three decades in particular, the common criminal law provisions and the special laws enacted and enforced for protection of women are being blatantly and openly being misused to threaten men/partners/boyfriends, and husbands, intimidate them, extort money from them after separation and generally to get them to do acts in their favour which they are normally reluctant or refuse to do. In

the garb of there one sided prejudiced and gender unequal laws, women are claiming undue money from their husbands or lovers, getting favours from them which are uncalled for, inappropriate and also in several cases separate men from their parents after marriage and live with him separately or independently. This misuse in particular has become so common that even the Apex Court of the country and several High Court have mentioned this fact in their judgments. To mention a few, in the land mark case of Arnesh Kumar v State of Bihar & another's, the Apex Court categorically stated that Section 498-A of IPC which punishes husband or his relatives for subjecting woman to cruelty, was introduced to combat the menace of harassment to a women at the hands of her husband or his relatives is being used as a weapon rather than a shield by disgruntled wives to harass her husband and his relatives and get them arrested. As a proof of this the court also brought forth statistics relating to it released by the NCRB in 2012. Another case in point is that of Rajesh Sharma v The State of U.P. in which directions were sought from the Court to prevent misuse of Section 498 A of IPC. In both the above case the Supreme Court laid down specific directions to the police for measures to be taken before arresting a person in such cases blindly. This issue was also highlighted in Sushil Kumar Sharma v Union of India & others, Preeti Gupta and another v State of Jharkhand, Yashodeep Bisanrao Vadode v State of Maharashtra and several others. The parliament as well as the judiciary are fully aware, as is the society at large, that the laws for protection of women are openly being misused due to their one sided prejudiced provision and their inflexibility and rigidity. This is having a very grave detrimental effect on the social organization.

- ii. Harmful side effects on psychology of men:- The non-availability of proper and specific legal redress, biased non-supportive decisions from the Courts in favour of women, false accusations, and misuse of women protection laws, combined, severely effect men psychology causing acute depression, stigma, loss of jobs in many cases, panic, insomnia etc. Which in turn adversely effect their output and contribution to their work place, home and the country at large. Post-traumatic Stress Disorder is also a growing problem nowadays, specifically among men. Moreover their trust in the judicial system, balance of society and women fades away. Besides this they also experience financial burden and economic impact due to unnecessary legal battles and extortion by woman & her family members.
2. There have been several cases and incidents in which men have committed suicide or attempted the same due to false allegations by wife or girlfriends and while there are no specific datas available on this yet by NCRB, but the recent highlighted cases of Atul Subhash the suicide of Kerala man of 42 years Deepak U who was accused by a woman of touching her inappropriately in a bus and later the story was spread on social media, the death of Manav Singh by suicide in Gurugram in May 2020 after being accused of sexual harassment. The news that men outnumber women in suicides and that suicides have increased after 498A came into force in 2007 also that 37% of men ended their lives due to matrimonial disputes and the empirical data's collected in a recent research, amply elaborate the uneven playing field for men and its ill-effect on them in the country.
- i. Failing Institution of Marriage, Growing Live in Relationships: India had always been a country with deep embedded traditions and religious belief wide spread in the society which followed our culture and Dharma. Marriages were always considered a part of our culture and men or women, were invariably supposed to get married after a certain age settle down and bear children. However, today the scenario has drastically changed. The institution of marriage is failing in India, and more and more youths specially men have denounced marriage and are preferring to remain single despite having crossed age of 30 or above. Moreover, live-in was never part of our culture, beliefs or traditions and

was considered a taboo and against the set norms of society. How can a man and woman live together without getting married was the big question and a big issue as well. However, according to 2011 census, more than 1.5 million households have reported a live-in relationship, though the actual figure today is much higher¹². So much so, that now law and judiciary both, recognize and support right for people in live-in relationship including the recognition of children born out of such relations as legitimate.

3. While the reasons for above are multitude yet one of the main reasons of this failing institution of marriage and growing trend of live in among men is due to fear of being harassed, hassled, controlled and exploited at the hands of women through these biased and discriminatory marriage and criminal laws. The fear of having to pay large maintenance if divorce or separation is sought even if the women/wife is highly educated and has capacity to earn, is also causing repulsion in men towards marriage, and they, instead of committing in marital relations, seek to either remain unmarried or enter into a live in relation. This growing trend of apprehension towards marriage among men of Gen Z and the millennials is a dangerous trend for the Indian social structure and our traditional and cultural framework as a whole.
4. Fostering and nurturing the plant of Patriarchy: Social position, status and place of women in India today is no longer the same as it was post independence or in the 20th Century. Today, they are equally educated, employed and are economically strong besides having adequate political representation. Even the rural sector women are not behind in any way. Surveys reveal that there has been 96% rise in female employment in rural sector while in urban sector it was 43% between 2017 and 2024. The unemployment rate among women has dropped from 5.6% 3.2%¹³. This significant increase among women in work force participation has made them confident and economically strong. Equality among women & men in the country is, as of today, both in urban and rural areas, being achieved and has been attained to an appreciable extent. What has been achieved today after independence of the country is because we have, both men as well as society shunned the clutch of patriarchy and male-supremacy outlooks slowly but distinctly.

Yet, our laws and law making bodies continue to depict women, through their biased and bigoted laws, as entity, totally dependent on men, under their thumb, being continuously exploited and in a sorry state and pitiable condition, as they used to be centuries ago. Equality among gender can only be achieved once we recognize and respect the independence and rise of women in the eyes of society and slowly do away with patriarchal mindset. But these very prejudiced laws and lack of gender-neutral laws, are, in contrary to our objectives, sowing seeds of patriarchy and making the belief firmer that woman is a weaker sex. On the other hand, the judiciary with their judicial decisions favouring women unconditionally in every issue is also giving due support to this degrading parliamentary trend, instead of putting brakes on it. Of special attention, are the astonishing, strange and shocking decisions the various Courts across the country have been passing in cases related to post-divorce maintenance to be paid by the husband to wife. Taking marriage to be a relationship between two entities, how is the husband solely responsible for the expenditures of children and wife, even in cases wife is earning or is capable and educated enough to earn. The recent decisions of Supreme Court that it is a father's duty and responsibility to maintain a child until he attains majority, women can claim maintenance under each separate proceeding if more than one,

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husband is bound to pay maintenance even if wife deserts him, while deciding maintenance, wife's capability or capacity to earn will not be considered, maintenance of wife and children have supremacy over creditors, loans and even in cases of bankruptcy or insolvency, responsibility cannot be evaded even if husband is unemployed and that husband ought to pay even if he has no proper job, he must work as labour and pay maintenance, are some of the observations that infer, as if only a man has married a woman and not vice versa. Moreover such decisions of judiciary reaffirm our belief in patriarchy rather than trying to get rid of such mindset for the welfare of society. Thus the parliament, the executives and the judiciary is trying from one hand to extinguish the already burning fire of rigidly placed patriarchal mindset in the society and from its own other hand are giving air to excessively inflame the same flame. This attitude is in turn making the women seem weak, meek, prone to violence, vulnerable and subordinate to men.

On the other hand while Section 24 of the Hindu Marriage Act 1955 is gender neutral regarding pendente lite maintenance and expenses of proceedings, yet the Courts, only in a handful of cases, granted maintenance to husbands from wife and that too only in cases where the husband is disabled and incapacitated and besides it even commented that granting maintenance to able bodied person with skill would promote idleness. Well, how about the same outlook for wife? Appallingly, in *Rafeeq v Summayya*, the Kerala High Court held that despite disability, a husband can not escape liability to pay maintenance to his wife.

(LGBTQ People left in jeopardy:- Years back the Apex Court abolished Section 377 of IPC which criminalized carnal intercourse against the order of nature with any man or woman and legal green signal was given to same sex relationships. As such the transgender, gays, bisexuals and lesbians got the protection of equality under Article 14 and 15 (1) of the Constitution. Yet, no specific laws were made for commission of crimes against them and nor, like men, they get protection of specific laws made for protection of women. They cannot as such get resort, in case they are molested, under Section 377 of IPC now, or the domestic violence Act, Sexual Harassment at workplace Act, sexual molestation, rapes etc. Even when it has become legal for gays to live together, in case of assault or any other kind of physical or mental abuse they are left with no legal recourse. Prejudicially, the NCRB even does not release or record separate statistics and data for crimes against them, and whatever data they release is far below the actual figures. As per census of 2011, the population of transgender in India was 4,87,803, with no such record available for gay people. The figure may be far below actual because a lot of such people don't accept it publically due to issue of a guilt or shame. However the NCRB has released that only 9 victims were there in case of transgenders, of various crimes in 2022 and in 2020 the figure was only 236. This, despite the fact that persons of this sect are very vulnerable and frequently prone to violence. While the parliament wasted the opportunity to provide protection against crimes towards transgenders and gays when they enacted and enforced amended criminal laws BNS & BNSS in 2024, the Transgender persons (Protection of rights) Act 2019 provides inadequate protections against them as well as leaves gays and other categories in LGBTQ outside it.

In India, thus, giving recognition to certain different kind of people like LGBTQ in order to encourage society to accept them, and then leaving them without even playing field under the legal framework of the country without any special legal recourse is injustice to them. Thus, the lack of gender neutral laws not only adversely effect men, but also the transgender and LGBTQ community at large, highlighting the need for gender neutral laws.

CONCLUSION

With time, the organization, structure and outlook of the society goes through transformation and the drastic spread of globalization in every field, the technology and the digital world, has changed the civilization immensely. But to keep pace and for the society to keep flourishing and for a peaceful atmosphere, the laws, the attitude of the executives and the activism of the judiciary has also to change. Unfortunately, this has not been the case in our country. The parliament has made many women-centric laws, criminal laws exclusively and specially for women, the attitude of the executives has been unduly favourable and prejudiced in favour of women as also the judiciary, through their various adjudications have been unevenly biased towards women.

In cases where it was and is necessary to bring women at par with men the judiciary for example in *Lt. Col. Nitisha v Union of India*. Where the question was discrimination against women in the Army Short Service Commission seeking permanent commission, *Union of India v Lt.Cdr. Annie Nagaraja* where the above similar question concerned the Navy where discrimination was based on women being weak, *Secretary, Ministry of Defence v Babita Punia* concerning discrimination of women in Army due to their physiological features like pregnancy, motherhood etc. or *Indian Young Lawyers Association v State of Kerala* concerning entry of women of particular ages inside the Sabrimala temple, conveyed, through their decisions, equality to women, they were not in any way unjustified. The law makers on the other hand, when making special laws for protection of women only or the various provisions in penal law only for women, were also justified, as far as the period when those laws were enacted and enforced, and the position of women in our society was concerned.

But the same trend, continuing blindly, in today's era and times without paying heed to the changed circumstances and social organization, is absolutely wrong as well as detrimental and dangerous for the future of the country. Today, in time when the laws have become outdated and biased/discriminatory against men, their misuse has been honestly and vehemently been accepted by the parliament, executives, judiciary as well as the society at large, the things, need to be modified, amended and revisited. However the parliament besides discussing the unwanted discrimination brought against men, misuse of provisions, and the judiciary besides pointing it out in their obiter dicta in various judicial pronouncement, have done practically nothing constructive. Despite having had an opportunity recently when all the major criminal/penal laws were revised, nothing was done in this field, creating a disadvantageous position for men in the country and leaving enough space for their harassment and exploitation at the hands of women through law and the court. Be it penal laws, judicial decisions, marriage laws, special Acts, divorce laws or maintenance law & adjudications, men are being manipulated, threatened, oppressed and played upon, with the pillars of democracy standing as mute spectators, with sufficient powers but no will.

What needs to be understood is that Article 15 (3) and its stipulation, has to properly scrutinized and evaluated in today's context and atmosphere and only then adhered to. Besides, it has to be understood, that Article 15(3) is to supplement the provisions of Article 15 (1) and 14, and not to supplant it. The big question is what catastrophe would be fall or what tragedy would strike if all the penal provisions made specifically for women; all special Acts made for women are made gender neutral. In fact it would be, in line with present day context and would benefit women, men and the transgender alike. If countries like USA, UK, Canada, Australia, Denmark and several others can do it, why can't we.

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